

§ 782.4

of receipt of the request. If the requested information cannot be provided to BIS, the response must fully explain the reason why such information cannot be provided. If additional time is needed to collect the requested information, the person or location should request an extension of the submission deadline, before the expiration of the 30-day time period set by BIS, and include an explanation for why an extension is needed. BIS will grant only one extension of the submission deadline. The maximum period of time for which BIS will grant an extension will be 30 days. Failure to respond to this request could lead to an investigation of the person's or location's reporting and recordkeeping procedures under the APR.

§ 782.4 Assistance in determining your obligations.

(a) *Determining if your activity is subject to reporting requirements.* (1) If you need assistance in determining whether or not your activity is subject to the APR's reporting requirements, submit your written request for an activity determination to BIS. Such requests may be sent to BIS via facsimile to (202) 482-1731, e-mailed to apdr@bis.doc.gov, or hand delivered, submitted by courier, or mailed to BIS, in hard copy, to the following address: Treaty Compliance Division, Bureau of Industry and Security, U.S. Department of Commerce, Attn: AP Activity Determination, 14th Street and Pennsylvania Avenue, NW., Room 4515, Washington, DC 20230. Your activity determination request should include the information indicated in paragraph (a)(2) of this section to ensure an accurate determination. Also include any additional information that would be relevant to the activity described in your request. If you are unable to provide all of the information required in paragraph (a)(2) of this section, you should include an explanation identifying the reasons or deficiencies that preclude you from supplying the information. If BIS cannot make a determination based upon the information submitted, BIS will return the request to you and identify the additional information that is necessary to complete an activity determination. BIS will provide a written response to

15 CFR Ch. VII (1-1-12 Edition)

your activity determination request within 10 business days of receipt of the request.

(2) You must include the following information when submitting an activity determination request to BIS:

- (i) Date of your request;
- (ii) Name of your organization and complete street address;
- (iii) Point of contact for your organization;
- (iv) Phone and facsimile number for your point of contact;
- (v) E-mail address for your point of contact, if you want BIS to provide an acknowledgment of receipt via e-mail; and
- (vi) Description of your activity in sufficient detail as to allow BIS to make an accurate determination.

(b) *Other inquiries.* If you need assistance in interpreting the provisions of the APR or need assistance with APR report forms or complementary access issues, contact BIS's Treaty Compliance Division by phone at (202) 482-1001. If you require a written response from BIS, submit a detailed request to BIS that explains your question, issue, or request. Send the request to the address or facsimile included in paragraph (a) of this section, or e-mail the request to apqa@bis.doc.gov. To ensure that your request is properly routed, include the notation, "ATTENTION: APR Advisory Request," on your submission to BIS.

§ 782.5 Where to obtain APR report forms.

Report forms required by the APR may be downloaded from the Internet at <http://www.ap.gov>. You also may obtain these forms by contacting: Treaty Compliance Division, Bureau of Industry and Security, U.S. Department of Commerce, Attn: Forms Request, 14th Street and Pennsylvania Avenue, NW., Room 4515, Washington, DC 20230, Telephone: (202) 482-1001.

§ 782.6 Where to submit reports.

Reports required by the APR must be sent to BIS via facsimile to (202) 482-1731 or hand delivered, submitted by courier, or mailed to BIS, in hard copy, to the following address: Treaty Compliance Division, Bureau of Industry

and Security, U.S. Department of Commerce, Attn: AP Reports, 14th Street and Pennsylvania Avenue, NW., Room 4515, Washington, DC 20230, Telephone: (202) 482-1001. Specific types of reports and due dates are outlined in supplement no. 1 to part 783 of the APR.

PART 783—CIVIL NUCLEAR FUEL CYCLE-RELATED ACTIVITIES NOT INVOLVING NUCLEAR MATERIALS

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783.1 Reporting requirements.

783.2 Amended reports.

783.3 Reports containing information determined by BIS not to be required by the APR.

783.4 Deadlines for submission of reports and amendments.

SUPPLEMENT NO. 1 TO PART 783—DEADLINES FOR SUBMISSION OF REPORTS AND AMENDMENTS

SUPPLEMENT NO. 2 TO PART 783—MANUFACTURING ACTIVITIES

SUPPLEMENT NO. 3 TO PART 783—LIST OF SPECIFIED EQUIPMENT AND NON-NUCLEAR MATERIAL FOR THE REPORTING OF IMPORTS

AUTHORITY: United States Additional Protocol Implementation Act of 2006, Pub. Law No. 109-401, 120 Stat. 2726 (December 18, 2006) (to be codified at 22 U.S.C. 8101-8181); Executive Order 13458 (February 4, 2008).

SOURCE: 73 FR 65128, Oct. 31, 2008, unless otherwise noted.

§ 783.1 Reporting requirements.

(a) *Initial report.* You must submit an *Initial Report* to BIS, no later than December 1, 2008 (see supplement no. 1 to this part), if you were engaged in any of the civil nuclear fuel cycle-related activities described in this paragraph (a) on October 31, 2008 or you were engaged in any such activities involving uranium hard-rock mines, including those that were closed down during calendar year 2008, (up to and including October 31, 2008). If you commenced any of the civil nuclear fuel cycle-related activities described in this paragraph (a) after October 31, 2008, you must submit an *Initial Report* on these activities to BIS no later than January 31 of the year following the calendar year in which the activities commenced (see supplement no. 1 to this part). You may report these activities

as part of your *Annual Update Report*, in lieu of submitting a separate *Initial Report*, if you also have an *Annual Update Report* requirement that applies to the same location and covers the same reporting period (see paragraph (b) of this section). In order to satisfy the *Initial Report* requirements under this paragraph (a), you must complete and submit to BIS Form AP-1, Form AP-2, and other appropriate Forms, as provided in this paragraph (a).

(1) *Research and development activities not involving nuclear material.* You must report to BIS any of the civil nuclear fuel cycle-related research and development activities identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section. Activities subject to these APR reporting requirements include research and development activities related to safe equipment operations for a nuclear fuel cycle-related activity, but do not include activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.

(i) You must complete Form AP-3 and submit it to BIS, as provided in § 782.6 of the APR, if you conducted any civil nuclear fuel cycle-related research and development activities defined in § 781.1 of the APR that:

(A) Did not involve nuclear material; and

(B) Were funded, specifically authorized or controlled by, or conducted on behalf of, the United States.

(ii) You must complete Form AP-4 and submit it to BIS, as provided in § 782.6 of the APR, if you conducted any civil nuclear fuel cycle-related research and development activities defined in § 781.1 of the APR that:

(A) Did not involve nuclear material;

(B) Were specifically related to enrichment, reprocessing of nuclear fuel, or the processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 (where “processing” involves the separation of elements); and

(C) Were not funded, specifically authorized or controlled by, or conducted on behalf of, the United States.